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MEMORANDUM DECISION – NOT FOR PUBLICATION

BAKER, Chief Judge

Appellant-defendant Brandy Strader appeals her conviction for Possession of Marijuana,¹ a class A misdemeanor,² arguing that the evidence is insufficient to support the conviction. Finding no error, we affirm.

FACTS

On July 31, 2007, Strader was driving her boyfriend's vehicle in Indianapolis; the sole passenger was Sherman Rogers. Indianapolis Metropolitan Police Department officers pulled over the vehicle after observing Strader commit two separate traffic violations. After Strader stopped the vehicle, officers discovered that she was driving with a suspended driver's license. After learning of the suspended license, an officer asked Strader to exit the vehicle. As she exited, the officer detected the odor of marijuana emanating from the inside of the vehicle. The officer shined his flashlight into the vehicle and observed a baggie of marijuana on the driver's side floorboard where Strader's left foot would have been while she was driving. Strader and Rogers both denied any knowledge of the marijuana.

On August 1, 2007, the State charged Strader with class A misdemeanor possession of marijuana and class A misdemeanor driving while suspended. Following a November 19, 2007, bench trial, the trial court found Strader guilty as charged. On the

¹ Ind. Code § 35-48-4-11.

² Strader was also convicted of class A misdemeanor driving while suspended, but she does not appeal that conviction.

same day, the trial court sentenced Strader to two concurrent thirty-day terms in the Marion County Jail. Strader now appeals.

DISCUSSION AND DECISION

Strader argues that there is insufficient evidence to support her conviction for possession of marijuana. When reviewing a challenge to the sufficiency of the evidence supporting a conviction, we neither reweigh the evidence nor reassess the credibility of witnesses. Allen v. State, 875 N.E.2d 783, 785 (Ind. Ct. App. 2007). Instead, we will consider the evidence and the reasonable inferences that may be drawn therefrom that support the verdict, and will affirm if probative evidence exists from which a factfinder could find the defendant guilty beyond a reasonable doubt. Gray v. State, 871 N.E.2d 408, 416 (Ind. Ct. App. 2007), trans. denied. A conviction may be supported by circumstantial evidence alone so long as inferences may reasonably be drawn from that evidence that enable the factfinder to find the defendant guilty beyond a reasonable doubt. Brink v. State, 837 N.E.2d 192, 194 (Ind. Ct. App. 2005).

To convict Strader of class A misdemeanor possession of marijuana, the State was required to prove beyond a reasonable doubt that she knowingly or intentionally possessed marijuana. I.C. § 35-48-4-11(1). Here, the prosecution was based on a theory of constructive possession. To establish that Strader had constructive possession of the marijuana, the State was required to prove that she had the intent and capability to maintain dominion and control over the drugs. Deshazier v. State, 877 N.E.2d 200, 204-05 (Ind. Ct. App. 2007), trans. denied. Strader did not have exclusive possession of the vehicle in which the marijuana was discovered; therefore, the State was required to show

additional circumstances pointing to her knowledge of the presence of the marijuana and her ability to control it. Collins v. State, 822 N.E.2d 214, 222 (Ind. Ct. App. 2005). Among other things, the circumstances that will support such an inference include the proximity of the contraband to the defendant and the location of the contraband within the defendant's plain view. Id.

Here, the State offered evidence that Strader was driving the vehicle at the time it was pulled over. The police officer found the marijuana in plain view on the driver's side floorboard near where Strader's left foot would have been located while she was driving. Tr. p. 19-20, 22, 24-25, 30, 55-56, 65-66. Thus, the marijuana was in exceedingly close proximity to Strader and was located in a place that would have been difficult for Rogers to reach. Strader's arguments that Rogers may have placed the marijuana where it was discovered and that she did not know the drugs were in the vehicle are merely invitations that we reweigh the evidence and reassess witness credibility—practices in which we do not engage when evaluating the sufficiency of the evidence supporting a conviction. We find that the evidence concerning the location of the marijuana and its proximity to Strader supports a reasonable inference that she had the capability of exerting dominion and control over the drugs. Therefore, there was sufficient evidence from which the factfinder could have found Strader guilty beyond a reasonable doubt based on a theory of constructive possession.

The judgment of the trial court is affirmed.

RILEY, J., and ROBB, J., concur.